

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Investigation Number:
03144-0600

Reporting Office:
Dallas, TX, Area Office

Investigation Name:
Arkansas Gravel Company

Activity Date:
09/28/2021

Subject of Report:
2021-09-28; Meeting with (b) (6), (b) (7)(C) at Back 40

Reporting Official and Date:
(b) (6), (b) (7)(C)

Special Agent
06 Oct 2021, Signed by (b) (6), (b) (7)(C)

Approving Official and Date:
(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
07 Oct 2021, Approved by (b) (6), (b) (7)(C)
Assistant Special Agent in Charge

DETAILS:

On September 28, 2021, Special Agent (SA) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (Calhoun County Sheriff's Office) met with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the Arkansas Gravel Co., Inc. (AGC) gravel pit to go over the events of September 23, 2021. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) voluntarily consented to the interview, which was recorded via (b) (6), (b) (7)(C) body worn camera and a copy of the audio/video recording was downloaded for evidentiary purposes. This report serves as a summary of the information provided by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and is not verbatim unless noted.

Investigators followed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) to the "Back 40" gravel pit, which is located at the northeast of the AGC property. (b) (6), (b) (7)(C) said sometime between 1400-1500 hours on September 23rd, 2021, (b) (6), (b) (7)(C) drove out to the "Back 40" where "we had a big argument over the fact we ran out of diesel". (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) had the "argument" with Charles "Chuck" Martin and (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) then delivered diesel to Martin and (b) (6), (b) (7)(C) so they could get back to work.

Later that evening, (b) (6), (b) (7)(C) drove back out to the "Back 40" where (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) son, (b) (6), (b) (7)(C) and Martin, both of whom were operating excavators "stripping" (removing dirt) looking for gravel. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) talked with (b) (6), (b) (7)(C) and told (b) (6), (b) (7)(C) was spending too much money stripping and not locating gravel. (b) (6), (b) (7)(C) suggested to (b) (6), (b) (7)(C) to dig some test holes on the haul road that goes north south in the "Back 40" and then in the area of "regrowth" which is cutover directly to the south of the area they were stripping.

During the interview, (b) (6), (b) (7)(C) walked in the area of the haul road that goes north south in the "Back 40" and stated (b) (6), (b) (7)(C) could not locate any excavator tracks or test holes in the, which would

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mean that neither (b) (6), (b) (7)(C) nor Martin dug test holes in that area.

(b) (6), (b) (7)(C) remarked that it would be obvious as no heavy equipment had been to the “Back 40” since September 23, 2021.

Investigators, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) moved towards the cutover to locate test holes. After locating what appeared to be a dig area covered with dirt, the party moved south through the cutover and came upon an open hole with dirt mounded to the side. After looking into the hole, (b) (6), (b) (7)(C) stated, “I can tell you whichever hoe (excavator) did this had the side cutters on it.” (b) (6), (b) (7)(C) showed investigators the cuts on the side of the dig in addition to the teeth marks in the dirt, which indicate the bucket had side cutters, which help protect the bucket from wear during digging. Later on, in the interview, the party confirmed the Hyundai 480 operated by Martin had cutters on the bucket, but the Komatsu 490 operated by (b) (6), (b) (7)(C) did not.

SA (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) why Martin would have covered the first hole but left the second hole uncovered, (b) (6), (b) (7)(C) replied, “I’m just trying to figure stuff out to, did he just scratch enough to make it look like he dug and then jetted over here?” (b) (6), (b) (7)(C) said the only area the company was digging for gravel was in the “Back 40” and not at any other locations on AGC property.

SA (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) had any idea why Martin would have left the “Back 40” and traveled to the location where he struck the pipeline, to which (b) (6), (b) (7)(C) said, “When I say I don’t know, I have no blankety blank idea” and that (b) (6), (b) (7)(C) “never” would have dug in that location because (b) (6), (b) (7)(C) seen pipeline markers to the north of the incident location and also at the highway to the north and to the south going towards (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) read the pipeline markers and knew it contained ammonia. (b) (6), (b) (7)(C) said equipment wasn’t supposed to be tracked across the pipeline but “it’s one of those things if you cross it, stay the hell away from it.”

When asked if (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) provided briefings such as safety / pipeline warnings to AGC employees, (b) (6), (b) (7)(C) said the company provided safety training every Friday and “for one, we have a meeting and everyone knows where we’re digging; it ain’t ‘here you go figure out where you’re gonna go’...everybody knows where we’re at, the trucks know where they’re going every morning, everybody knows where they’re going, they’re coming over here ((b) (6), (b) (7)(C) motioned to Back 40) to get material...” Neither (b) (6), (b) (7)(C) nor (b) (6), (b) (7)(C) had any idea why Martin chose to leave the “Back 40” to dig at the incident location.

(b) (6), (b) (7)(C) gave the scenario that even if the pipeline was not in the location traversing between the fill ponds, would (b) (6), (b) (7)(C) instruct someone to dig in that location, (b) (6), (b) (7)(C) said, “I wouldn’t...there’s a reason that was left, I don’t know what but there is a reason...all your water, you’re not going to be able to get it out...the whole things going to start washing out.” (b) (6), (b) (7)(C) said soil type would determine how close you could get to the water.

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(b) (6), (b) (7)(C) remarked that in the aftermath of the pipeline rupture, Martin did not check in with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) learned from (b) (6), (b) (7)(C) that Martin had “already gone home...he didn’t say nothing, he just took off.” (b) (6), (b) (7)(C) learned from a Fire Department employee Martin was seen that evening headed towards (b) (6), (b) (7)(C) .

ATTACHMENT(S):